

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Mamie Jackson,)
Plaintiff,) C/A No. 3:17-1182-MBS
vs.)
United States Postmaster, Columbia)
Division, 1601 Assembly Street,)
Defendant.)

)

OPINION AND ORDER

Plaintiff Mamie Jackson, proceeding pro se and in forma pauperis, filed a complaint on May 5, 2017, alleging:

Federal question jurisdiction: Withholding of federal mail when demanded. Written policy refused.

Statement of claim: Requested post office employee to close a box. Refused.

Relief: Mail being held.

ECF No. 1.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Paige J. Gossett for pretrial handling. The Magistrate Judge reviewed the complaint pursuant to the provisions of 28 U.S.C. §§ 1915 and relevant precedents. On June 28, 2017, the Magistrate Judge issued a Report and Recommendation in which she determined that Plaintiff's assertion the post office is withholding her mail does not indicate any recognizable legal claim. The Magistrate Judge found the complaint plainly insufficient to invoke the court's federal question jurisdiction. The Magistrate Judge further determined that, if Plaintiff is seeking a remedy under the Federal Tort Claims Act, the Act bars any claim arising out of the loss,

miscarriage, or negligent transmission of letters or postal matter. See 28 U.S.C. § 2690(b). Accordingly, the Magistrate Judge recommended that the complaint be summarily dismissed for failure to state a claim upon which relief can be granted, and for lack of subject matter jurisdiction. Plaintiff filed no objections to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). This court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1). This court may also receive further evidence or recommit the matter to the Magistrate Judge with instructions. Id. In the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

The court has thoroughly reviewed the record. The court concurs in the Report and Recommendation and incorporates it herein by reference. Plaintiff’s complaint is summarily dismissed without prejudice and without issuance and service of process.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
Senior United States District Judge

Columbia, South Carolina

August 11, 2017